

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	22cv5443 (DLC)
BREEANNE BUCKLEY PENI, individually	:	
and on behalf of all others similarly	:	<u>ORDER</u>
situated,	:	
	:	
Plaintiff,	:	
-v-	:	
	:	
DAILY HARVEST, INC., et al.,	:	
	:	
Defendants.	:	
	:	
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DENISE COTE, District Judge:

An Order of October 9, 2024 scheduled for March 3, 2025 a hearing on final approval of the proposed class action settlement with defendants Smirk's Ltd. and Molinos Asociados SAC ("Smirk's/Molinos settlement"). On February 14, 2025, the plaintiff moved for final approval of the Smirk's/Molinos settlement. Having received the declaration of the plaintiff's counsel in connection with that motion, it is hereby

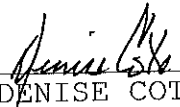
ORDERED that by **February 27, 2025** the plaintiff shall submit a letter containing the following information:

1. An explanation of how the numbers of claim forms and opt-out forms reported by the settlement administrator in connection with the Smirk's/Molinos settlement relate to the numbers of those received in connection with the settlement with defendants Daily Harvest, Inc. and Second

Bite Foods, Inc. (including, for instance, whether the newly reported numbers of forms include those submitted in connection with the prior settlement, and, if so, how many new forms were received).

2. The names of the individuals who have validly opted out of the Smirk's/Molinos settlement.
3. Confirmation that the individuals who objected to the settlement with Daily Harvest, Inc. and Second Bite Foods, Inc. did not submit objections in connection with the Smirk's/Molinos settlement.

Dated: New York, New York
February 25, 2025



DENISE COTE
United States District Judge